

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Plaintiff,

Case No.: 1:17-CV-52

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,**

Defendants.

PLAINTIFF'S PROPOSED VERDICT FORM

As ordered (Doc. 88), and pursuant to LR Civ P, Rule 26(a)(3)(A)(i), the Plaintiff submits the following proposed verdict form.¹

/s/ Charles J. Crooks

Charles J. Crooks, Esquire
Crooks Law Firm PLLC
244 Pleasant Street
Morgantown, WV 26505

WV State Bar # 4633
Phone (304) 282-1039

Charles@crookslawfirm.org

¹ Plaintiff's counsel realizes this document is electronically filed and served after midnight of December 6, 2019 and asks that the Court please, nonetheless, accept the same as he has endeavored to file before the midnight hour, has achieved no advantage, and certainly intends no disrespect to the Court's order.

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Plaintiff,

Case No.: 1:17-CV-52

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,**

Defendants.

VERDICT FORM AS TO DEFENDANT, MICHAEL A. KIEF

1. Did the Plaintiff, Scott T. Ballock, establish his 42 USC § 1983 abuse-of-process claim against Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 2.

2. Did the Plaintiff establish his abuse-of-process claim pursuant to West Virginia law against the Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 3.

3. Did the Plaintiff, Scott T. Ballock, establish his 42 USC § 1983 malicious prosecution claim against Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 4.

4. Did the Plaintiff establish his claim for malicious prosecution under West Virginia law against the Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 5.

5. Did the Plaintiff, Scott T. Ballock establish his claim for civil conspiracy under West Virginia law against the Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 6.

6. Did the Plaintiff, Scott T. Ballock, establish his claim for intentional infliction of emotional distress under West Virginia law against Defendant, Michael A. Kief?

Yes ____ or No ____

Next, answer question 7.

7. Did the Plaintiff, Scott T. Ballock establish his claim for tortious interference with contract under West Virginia law against Defendant, Michael A. Kief?

Yes ____ or No ____

Complete this section only if you answered "Yes" to any of questions 1 through 7. If you answered "No" to all Questions 1 through 6, please have your Foreperson sign and date this verdict form and return it to the bailiff.

8. Having found in favor of Plaintiff on his claim(s) against the Defendant Michael A. Kief, what amount of damages, if any, do you award to Mr. Ballock under the facts of this case pursuant to the Court's instructions?

- a) Economic damages:

\$ _____

- b) Non-economic damages:

\$ _____

Please have your Foreperson sign and date this verdict form and return it to the bailiff.

Signature: _____

Print: _____

Date: _____

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Plaintiff,

Case No.: 1:17-CV-52

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,**

Defendants.

VERDICT FORM AS TO DEFENDANT, ELLEN RUTH COSTLOW

1. Did the Plaintiff, Scott T. Ballock, establish his 42 USC § 1983 abuse-of-process claim against Defendant, Ellen Ruth Costlow?

Yes ____ or No ____

Next, answer question 2.

2. Did the Plaintiff establish his abuse-of-process claim pursuant to West Virginia law against the Defendant, Ellen Ruth Costlow?

Yes ____ or No ____

Next, answer question 3.

3. Did the Plaintiff, Scott T. Ballock, establish his 42 USC § 1983 malicious prosecution claim against Defendant, Ellen Ruth Costlow?

Yes ____ or No ____

Next, answer question 4.

4. Did the Plaintiff establish his claim for malicious prosecution under West Virginia law against the Defendant, Ellen Ruth Costlow?

Yes ____ or No ____

Next, answer question 5.

5. Did the Plaintiff, Scott T. Ballock establish his claim for civil conspiracy under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 6.

6. Did the Plaintiff, Scott T. Ballock establish his claim for tortious interference with contract under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next answer question 7.

7. Did the Plaintiff, Scott T. Ballock, establish his 42 USC § 1983 defamation claim against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 8.

8. Did the Plaintiff, Scott T. Ballock, establish his claim for defamation under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 9.

9. Did the Plaintiff, Scott T. Ballock, establish his claim for slander under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 10.

10. Did the Plaintiff, Scott T. Ballock, establish his claim for intentional infliction of emotional distress under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 11.

11. Did the Plaintiff, Scott T. Ballock, establish his claim for tortious interference with contract (employment) under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ___ or No ___

Next, answer question 12.

12. Did the Plaintiff, Scott T. Ballock, establish his claim for breach of contract under West Virginia law against Defendant, Ellen Ruth Costlow?

Yes ____ or No ____

Complete this section only if you answered "Yes" to any of questions 1 through 12. If you answered "No" to all Questions 1 through 12, please have your Foreperson sign and date this verdict form and return it to the bailiff.

13. Having found in favor of Plaintiff in his claim(s) against Defendant Ellen Ruth Costlow, what amount of damages, if any, do you award to Mr. Ballock under the facts of this case pursuant to the Court's instructions?

- a) Economic damages:

\$ _____

- b) Non-economic damages:

\$ _____

Please have your Foreperson sign and date this verdict form and return it to the bailiff.

Signature: _____

Print: _____

Date: _____

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

SCOTT T. BALLOCK

Case No.: 1:17-CV-52

Plaintiff,

v.

JURY TRIAL REQUESTED

**ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,**

Defendants.

CERTIFICATE OF SERVICE

I, Charles J. Crooks, Esq., counsel for the Plaintiff, Scott T. Ballock, hereby certify that on the 7th day of December 2019, I delivered the foregoing “**PLAINTIFF’S PROPOSED VERDICT FORMS,**” with the Clerk of the Court and served the same by email upon the following:

P. Todd Phillips, Esq.
P. Todd Phillips & Associates
235 High Street
Suite 322
Morgantown, WV 26505
ToddPhillips.law@gmail.com

**Counsel for Defendant,
Ellen Ruth Costlow**

And

/s/ Charles J. Crooks

Mark G. Jeffries (WV Bar No. 11618)
Steptoe & Johnson PLLC
400 White Oaks Blvd.
Bridgeport, WV 26330-4500
Mark.jeffries@steptoe-johnson.com

Monté L. Williams (WV Bar No. 9526)
Steptoe & Johnson PLLC
P.O. Box 1616
Morgantown, WV 26507-1616
(304) 598-8000
Monte.williams@steptoe-johnson.com

**Co-counsel for Defendants State Trooper
Michael Kief**